

Notice of Allowability

Application No.

09/674,717

Examiner

Prenell P. Jones

Applicant(s)

BRISCOE ET AL.

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/04/07.
2. ☒ The allowed claim(s) is/are 1-13, 15, 16 and 18-36.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 6/4/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Raymond Mah on August 17, 2007.

The application has been amended as follows:

Claim 18 (Amended). *A method of operating a communication network comprising:*

- a) communicating tariff data to a user terminal connected to the network;*
- b) calculating at the user terminal, ~~using the tariff data~~ a charge for traffic communicated between the network and the terminal using the tariff data, and making a payment;*
- c) sampling ~~part only~~ only part of the traffic communicated between users and the network and for the sampled traffic comparing any payments made by users and the payment due according to the tariff.*

Claim 29 (Amended). *A method of operating a communication network comprising;*

- a) at a customer terminal measuring network usage;*

b) communicating network usage data from the customer terminal to the network operator; and

c) the network operator sampling ~~part-only~~ only part of the traffic communicated between a customer terminal and the network and for the sampled traffic comparing the network usage with the network usage data from the customer terminal and thereby detecting any discrepancy.

Allowable Subject Matter

1. Claims 1-13, 15, 16 and 18-36 are allowed over prior art.

The following is an examiner's statement of reasons for allowance:

Although the combination of newly cited prior art of Souissi et al (US Pat 6,556,817) along with previously cited art discloses distributing tariffs via print mail or voice mail to user, and a telecommunication call management system wherein the architecture includes carrier selection database, meter for measuring usage charges, utilizes Internet, updating tariff information/databases (revising tariff), tariff server includes performance data, billing parameters, cost router, calculate cost (tariff), and the data server distributes tariff data computers, a system that utilizes usage-based pricing of packet data as associated with user population (loading), formulas calculating tariff/cost with respect to user population (system load), they fail to teach or suggest distributing a tariff formula for calculating a charge as a function of loading of the communication network to multiple terminal users, thereby allowing customers to calculate tariff charges at the customers terminal.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

Art Unit: 2616

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

August 17, 2007


8/20/07
WING CHAN
SUPERVISORY PATENT EXAMINER